

**7. OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS – 102 BILL  
LEATHEM DRIVE**

**MODIFICATIONS AU PLAN OFFICIEL ET AU RÈGLEMENT DE ZONAGE –  
102, PROMENADE BILL LEATHEM**

**COMMITTEE RECOMMENDATIONS, AS AMENDED**

That Council approve:

1. an amendment to Zoning By-law 2008-250 and an amendment to the City of Ottawa Official Plan to permit the development of a multi-purpose facility which is proposed to include place of worship, place of assembly and community centre uses in the 'Ottawa Airport Operating Influence Zone';
2. that the proposed site-specific amendments shall be subject to the following conditions:
  - a. that the only noise-sensitive land uses permitted at this location shall be those defined exclusively as place of assembly, place of worship and community centre;
  - b. that the above noise-sensitive land uses shall only be permitted where the Owner has provided a noise study to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development. It is understood that the noise mitigation measures recommended in the noise study shall be implemented to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development;
  - c. that the following uses are prohibited at this location:
    - daycare
    - rooming unit and rooming house

- retirement home
  - residential care facility
  - shelter
- d. that an appropriate covenant be placed on title reflecting the fact that the property in question is within the Ottawa Airport Operating Influence Zone.

### RECOMMANDATION DU COMITÉ, TELLES QUE MODIFIÉES

Que le Conseil approuve :

1. une modification au Règlement de zonage 2008-250 et une modification au Plan officiel de la Ville d'Ottawa, visant à permettre l'aménagement d'une installation polyvalente devant comprendre des utilisations de lieu de culte, de lieu de rassemblement et de centre communautaire dans la « zone d'influence d'exploitation de l'aéroport d'Ottawa »;
2. que les modifications proposées au site soient soumises aux conditions suivantes :
  - a. que les seules utilisations du sol sensibles au bruit permises à cet endroit soient celles de lieu de culte, de lieu de rassemblement et de centre communautaire ;
  - b. que les utilisations du sol sensibles au bruit susmentionnées ne soient permises que si le propriétaire produit une étude à la satisfaction du directeur général de la planification, de l'infrastructure et du développement économique. Il est entendu que les mesures d'atténuation du bruit recommandées dans l'étude devront être mises en œuvre à la satisfaction du directeur général de la planification, de l'infrastructure et du développement

économique :

- c. que les utilisations suivantes soient interdites à cet endroit :
- Services de garde ;
  - Maison de chambres ;
  - Maison de retraite ;
  - Établissement de soins pour bénéficiaires internes ;
  - Refuge.
- d. qu'une clause appropriée soit ajoutée au titre, indiquant que la propriété en question se trouve à l'intérieur de la zone d'influence d'exploitation de l'aéroport d'Ottawa.

DOCUMENTATION / DOCUMENTATION

1. Acting Director's report, Planning Services, Planning, Infrastructure and Economic Development Department dated 8 March 2017 (ACS2017-PIE-PS-0041)  
  
Rapport de la Directrice par intérim, Services de la planification, Service de planification, d'Infrastructure et de Développement économique daté le 8 mars 2017 (ACS2017-PIE-PS-0041)
2. Extract of draft Minutes, Planning Committee, 28 March 2017.  
  
Extrait de l'ébauche du procès-verbal, Comité de l'urbanisme, le 28 mars 2017
3. Summary of Written and Oral Submissions, to be issued separately with the Council agenda for its meeting of 26 April 2017, as part of the Summary of Oral and Written Public Submissions for Items Subject to Bill

73 'Explanation Requirements'

Résumé des observations écrites et orales, à distribuer séparément avec l'ordre du jour de la réunion du 26 avril 2017 du Conseil, comme faisant partie du Résumé des observations orales et écrites du public sur les questions assujetties aux « exigences d'explication » aux termes de la Loi 73.

FOR THE INFORMATION OF COUNCIL

The Planning Committee approved the following Direction to Staff:

That staff study where these larger places of worship and places of assembly should be placed in the future and that staff prepare a motion for Council at its next meeting outlining how this will be done.

POUR LA GOUVERNE DU CONSEIL

Le Comité a donné l'instruction suivante au personnel :

Que le personnel penche sur la place que ces grands lieux de culte et de rassemblement devraient occuper dans l'avenir, et prépare une motion pour la prochaine réunion du Conseil indiquant comment cette vision pourrait se concrétiser.

**Report to  
Rapport au:**

**Planning Committee / Comité de l'urbanisme  
March 28, 2017 / 28 mars 2017**

**and Council / et au Conseil  
April 12, 2017 / 12 avril 2017**

**Submitted on March 8, 2017  
Soumis le 8 mars 2017**

**Submitted by  
Soumis par:**

**Lee Ann Snedden,**

**Acting Director / Directrice par intérim,**

**Planning Services / Service de la planification**

**Planning, Infrastructure and Economic Development Department / Direction  
générale de la planification, de l'infrastructure et du développement économique**

**Contact Person / Personne ressource:**

**Mike Schmidt, Planner II / Urbaniste II, Development Review West / Examen des  
demandes d'aménagement ouest**

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**Ward: GLOUCESTER-SOUTH  
NEPEAN (22) / GLOUCESTER-  
NEPEAN SUD (22)**

**File Number: ACS2017-PIE-PS-0041**

**SUBJECT: Official Plan and Zoning By-law Amendments – 102 Bill Leathem  
Drive**

**OBJET: Modifications au plan officiel et au Règlement de zonage – 102,  
promenade Bill Leathem**

## **REPORT RECOMMENDATIONS**

- 1. That Planning Committee recommend Council refuse an amendment to Zoning By-law 2008-250 and an amendment to the City of Ottawa Official Plan to permit the development of a multi-purpose facility which is proposed to include place of worship, place of assembly and community centre uses in the 'Ottawa Airport Operating Influence Zone'.**
- 2. That Planning Committee approve the Consultation Details Section of this report be included as part of the 'brief explanation' in the Summary of Written and Oral Public Submissions, to be prepared by the City Clerk and Solicitor's Office and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to Bill 73 'Explanation Requirements' at the City Council Meeting of 12 April 2017," subject to submissions received between the publication of this report and the time of Council's decision.**

## **RECOMMANDATIONS DU RAPPORT**

- 1. Que le Comité de l'urbanisme recommande au Conseil de refuser une modification au Règlement de zonage 2008-250 et une modification au Plan officiel de la Ville d'Ottawa, visant à permettre l'aménagement d'une installation polyvalente devant comprendre des utilisations de lieu de culte, de lieu de rassemblement et de centre communautaire dans la « zone d'influence d'exploitation de l'aéroport d'Ottawa ».**
- 2. Que le Comité de l'urbanisme donne son approbation à ce que la section du présent rapport consacrée aux détails de la consultation soit incluse en tant que « brève explication » dans le résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffier municipal et de l'avocat général et soumis au Conseil dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux 'exigences d'explication' aux termes du projet de loi 73 », à la réunion du Conseil municipal prévue le 12 avril 2017, à la condition que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil.**

## **EXECUTIVE SUMMARY**

### Assumption and Analysis

The Salvation Army is proposing the development of a one storey multi-purpose building consisting of place of worship, place of assembly and community centre uses at 102 Bill Leathem Drive.

The site is within the 'Ottawa Airport Operating Influence Zone (AOIZ)'. This zone has been implemented in order to protect the economic potential of the city's airports as well as protect noise-sensitive uses from the adverse impacts of unacceptable levels of noise. The policies within Section 4.8.6 – Land-Use Constraints Due to Airport and Aircraft Operations of the Official Plan prohibits new residential development and other noise-sensitive land uses, including institutional uses such as places of worships and community centres within the Ottawa Airport Operating Influence Zone (AOIZ).

The Official Plan and Zoning By-law amendment applications propose site specific amendments to the Official Plan and Zoning By-law to allow the proposed multi-purpose facility containing noise-sensitive uses within the Ottawa Airport Operating Influence Zone.

Staff recommends that the applications for Official Plan and Zoning By-law amendments be refused as they do not comply with the Official Plan policies and are not consistent with the Provincial Policy Statement (PPS).

## **RÉSUMÉ**

### Hypothèse et analyse

L'Armée du Salut propose l'aménagement d'un bâtiment polyvalent de plain-pied qui abriterait des utilisations de lieu de culte, de lieu de rassemblement et de centre communautaire ai 102, promenade Bill Leathem.

L'emplacement se trouve dans la « zone d'influence d'exploitation de l'aéroport d'Ottawa (ZIEAO) ». Cette zone a été créée dans le but de protéger le potentiel économique des aéroports de la ville ainsi que les utilisations sensibles au bruit des effets négatifs causés par des niveaux inacceptables de bruit. Les politiques de l'alinéa 4.8.6 du Plan officiel – Restrictions de l'utilisation du sol en raison de l'exploitation des aéroports et des aéronefs interdisent les nouveaux aménagements résidentiels et autres utilisations sensibles au bruit, dont les lieux de culte et les centres communautaires dans la zone d'influence d'exploitation de l'aéroport d'Ottawa (ZIEAO).

Les demandes de modifications au Plan officiel et au Règlement de zonage concernent des modifications propres à un emplacement, afin de permettre la construction du bâtiment polyvalent proposé, qui abriterait des utilisations sensibles au bruit et qui serait situé dans la zone d'influence d'exploitation de l'aéroport d'Ottawa.

Le personnel recommande le refus des demandes de modifications au Plan officiel et au Règlement de zonage, car elles ne respectent pas les politiques du Plan officiel et ne sont pas conformes à la Déclaration de principes provinciale (DPP).

## **BACKGROUND**

Learn more about [link to Development Application process - Zoning Amendment](#)

For all the supporting documents related to this application visit the [link to Development Application Search Tool](#).

### **Site location**

102 Bill Leathem Drive

### **Owner**

Salvation Army (under purchase and sales agreement with Minto Properties Inc.)

### **Applicant**

FoTenn Consultants Inc.

### **Description of site and surroundings**

The site is located within the South Merivale Business Park which is situated on the north-eastern edge of the community of Barrhaven.

The site is a vacant parcel of land approximately 2 hectares in size located at the southern edge of the business park with frontage on both Bill Leathem Drive and Leikin Drive. The surrounding land uses within the business park include a Royal Canadian Mounted Police (RCMP) complex to the east, a three-storey high-tech manufacturing and office building to the north and vacant undeveloped parcels to the north-east and west. Directly south of the site is municipal stormwater pond and south of the pond is an established residential development.



**Proposed Development:**

The Salvation Army is proposing the development of a one storey multi-purpose building consisting of place of worship, place of assembly and community centre uses. The proposed development is planned to occur in two phases with phase one having a gross floor area (GFA) of 1,128 square metres and is to include a large gymnasium that doubles as worship space, multi-purpose spaces, a commercial kitchen, meeting and convention spaces, and offices. Phase two proposes to expand the building to the west, adding a sanctuary with capacity for approximately 250 people and additional storage facilities. The total GFA of the building after phase two is completed is 1,672.6 square metres.

In order to accommodate the proposed development an Official Plan amendment, Zoning By-law amendment and Site Plan Control applications have been submitted.

**Summary of requested Official Plan amendment proposal**

The site is designated in the Official Plan as 'Employment Area'. The South Nepean Urban Area Secondary Plan (Areas 1, 2, and 3) policies also apply to these lands which designates this area as 'Prestige Business Park'.

Both the Official Plan and the Secondary Plan also identify the site as being within the 'Ottawa Airport Operating Influence Zone (AOIZ)'. The policies within Section 4.8.6 – Land-Use Constraints Due to Airport and Aircraft Operations of the Official Plan prohibits new residential development and other noise-sensitive land uses, including institutional uses such as places of worship and community centres within the Ottawa Airport Operating Influence Zone.

The Official Plan Amendment application proposes a site specific amendment to the Official Plan to allow the proposed multi-purpose facility containing noise-sensitive uses within the Ottawa Airport Operating Influence Zone.

**Summary of requested Zoning By-law amendment proposal**

The subject site is zoned as Light Industrial Subzone 9 (IL9) per the City's Zoning By-law 2008-250. The purpose of the Light Industrial zone is to permit a wide range of low impact light industrial uses, as well as office and office-type uses in a campus-like industrial park setting in accordance with the Employment Area designation of the Official Plan. The site is also shown on Schedule 6 of the Zoning By-law as being within the Airport Operating Influence Zone. Section 70 - Protection of Airport Operations of

the Zoning By-law prohibits noise-sensitive uses listed in the IL9 zone on lands within the Ottawa Airport Operating Influence Zone.

Under the IL9 zone place of worship and community centre uses are not permitted and a place of assembly is limited to a convention facility.

The Zoning By-law amendment application submitted proposes a site specific amendment to permit community centre, place of assembly, and place of worship uses in order to allow the development of the proposed multi-purpose facility.

## **DISCUSSION**

### **Public consultation**

Public consultation of this application was carried out in accordance with the City's Public Notification and Consultation Policy. Only one resident provided comments on these applications and was opposed to the proposed amendments. The Manotick Village and Community Association have indicated that they are in support of the proposed amendments.

For this proposal's consultation details, see Document 2 of this report.

### **Official Plan designation**

The site is designated in the City's Official Plan as 'Employment Area'. This designation permits a variety of industrial and employment-generating uses, such as warehousing and distribution, manufacturing, communications, storage, construction, office, institutional, and research and development uses as well as a variety of ancillary uses such as recreational, health and fitness uses, child care, and service commercial uses to serve the employees of the Business Park.

The South Nepean Urban Area Secondary Plan (Areas 1, 2, and 3) policies also apply to these lands which designates this area as 'Prestige Business Park'. This designation permits a wide range of uses including office, various forms of light manufacturing, warehousing research and development facilities, hotels and convention centres, sports and health and fitness recreational uses.

Both the Official Plan and the Secondary Plan also identify the site as being within the 'Ottawa Airport Operating Influence Zone'. This zone has been implemented in order to protect the economic potential of the city's airports as well as protect noise-sensitive uses from the adverse impacts of unacceptable levels of noise. The policies within

Section 4.8.6 – Land-Use Constraints Due to Airport and Aircraft Operations of the Official Plan prohibits new residential development and other noise-sensitive land uses, including institutional uses such as places of worships and community centres within the Ottawa Airport Operating Influence Zone.

These applications have been reviewed under the consolidated Official Plan with regard for the Council-approved amendments contained within Official Plan Amendments (OPA) 150 and 180. Amendments introduced by OPA 150 do not impact the proposed Zoning By-law amendment.

These applications have also been reviewed under OPA 180 which was approved by Council on January 25, 2017 as part of the Ottawa Employment Land Review. OPA 180 still requires Ministerial approval and is not in full force and effect.

The report associated with OPA 180 acknowledged that in the past, Employment Areas permitted institutional uses that were interpreted to include sensitive uses such as a place of worship or school. The report further recognized the need to clarify the intended institutional uses within this designation. OPA 180 added policies that clarify the requirements for considering low density institutional uses such as community centres, daycares, places of worship within the Employment Area designation. Consideration is done through a site specific Zoning By-law amendment application which would have to demonstrate that the proposed use is compatible with both the existing and potential future uses as specified in the Zoning By-law; and that the proposed use would not impact the ability of the Employment Area to achieve its employment targets.

### **Other applicable policies and guidelines**

In terms of determining the appropriateness of introducing a land uses within the Ottawa Airport Operating Influence Zone it must be determined if the proposed land use is considered a sensitive land use and more specifically in the context of these applications a noise-sensitive land use. To make this determination, various policies and guidelines are reviewed and consulted including Provincial Policy Statement (PPS), Official Plan, the City of Ottawa Environmental Noise Control Guidelines (ENCG) and the Ministry of the Environment and Climate Change (MOECC) Environmental Noise Guideline - Stationary and Transportation Sources (NPC-300).

These various policies and guidelines must be consistent with the PPS, which prohibits sensitive land uses in areas near airports above 30 NEF/NEP.

The Official Plan policies prohibit new residential development and other noise-sensitive uses above the 30 Noise Exposure Forecast (NEF)/ Noise Exposure Projection (NEP) contours. The Official Plan identifies noise-sensitive land uses as housing, institutional uses and public facilities. Specific examples include, but are not limited to, places of worship, schools, day care facilities and community centres.

The ENCG are an important tool for the implementation of the City's environmental noise policies contained in the Official Plan. The ENCG are based on the Ministry of Environmental and Climate Change's Environmental Noise Guideline Stationary and Transportation Sources – Approval and Planning Publication NPC-300. In terms of defining noise-sensitive land uses the ENCG does not provide an exhaustive list but provides example such as residential developments, hospitals, nursing/retirement homes, schools, day-care centres and other land uses that may contain outdoor and/or outdoor areas/spaces where an intruding noise may create an adverse effect. ENCG states that reference should additionally be made to the definitions in NPC-300.

NPC-300 defines a noise-sensitive institutional purpose building as a “building used for an institutional purpose, including an educational facility, a day nursery, a hospital, a health care facility, a shelter for emergency housing, a community centre, a place of worship and a detention centre. A place of worship located in commercially or industrially zoned lands is not considered a noise-sensitive institutional purpose building.”

Clarification was provided by a Senior Noise Review Engineer at the MOECC who was one of the co-authors of NPC-300 that the definition for “Noise sensitive institutional purpose building” found in NPC-300 was intended to address an increasingly common conflict with industries, and that there was no intention of applying the exemption to the matter of airplane noise. Therefore when relying on NPC-300 to determine land use policy within the Ottawa Airport Operating Influence Zone a place of worship would be considered a noise-sensitive use.

The Official Plan states that the review of development applications in the Airport Operating Influence Zone and Airport Vicinity Development Zone will be guided by the Transport Canada manual TP1247E - Land Use in the Vicinity of Airports and the Ministry of Environment Noise Assessment Criteria in Land Use Planning LU-131, which has been replaced by NPC-300.

The guidelines in TP1247E indicate that the certain uses including places of worship and community centres may be acceptable above the 30 NEF. However these uses

should not be approved unless a detailed noise analysis is conducted and the required noise insulation features are considered by the architectural consultant responsible for the building design.

It is important to note that TP1247E is a Federal document and is intended to provide guidance in developing land use policy and the review of development applications where no specific policies exist. In this case other policies and guidelines do exist and the guidelines in TP1247E are superseded by the more restrictive Provincial and City of Ottawa policies and guidelines.

Based on the Official Plan, ENCG and NPC-300 the proposed uses would be considered noise-sensitive and not permitted within the Ottawa Airport Operating Influence Zone.

### **Planning rationale**

The department recommends refusal of the proposed Zoning By-law and Official Plan amendments which seeks to permit noise-sensitive uses within 'Ottawa Airport Operating Influence Zone' as these amendments do not comply with the Official Plan policies and are not consistent with the Provincial Policy Statement (PPS).

### ***Planning Act***

The *Planning Act* requires that all City planning decisions be consistent with the Provincial Policy Statement (PPS), as the document that provides policy direction on matters of Provincial interest related to land use development.

### **Provincial Policy Statement (PPS)**

The proposed amendments are subject to the policies contained within the 2014 PPS, which came into effect on April 30, 2014. Staff have reviewed these amendments and have determined that the proposed Official Plan amendment and Zoning By-law amendment are not consistent with the matters of Provincial interest as outlined in the PPS.

Section 1.2.6.1 of the PPS states that Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities. In this regard the Ottawa International Airport is considered a major facility and the proposed uses would be considered sensitive land uses.

Section 1.6.9.1 of the PPS states that planning for land uses in the vicinity of airports, rail facilities and marine facilities shall be undertaken so that their long-term operation and economic role is protected. Section 1.6.9.2 a. further states that Airports shall be protected from incompatible land uses and development by prohibiting new residential development and other sensitive land uses in areas near airports above 30 NEF/NEP. The subject site is located above 30 NEF/NEP and the proposed amendments are proposing the development of sensitive land uses, more specifically noise-sensitive land uses.

There are policies in the PPS under Section 1.6.9.2 b. that allow for the consideration of redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long-term function of the airport. These policies are not applicable to the proposed development.

The redevelopment and infill policies of Section 1.6.9.2 b. are meant to recognize historical situations where sensitive land uses or clusters of sensitive land uses exist above above 30 NEF/NEP and are not meant to introduce new sensitive land uses where none previously existed. The subject site is vacant and has never been developed and therefore is not considered redevelopment of an existing sensitive land use. The proposed development consists of sensitive land uses, where none currently exist or are permitted, within a business park that is mainly vacant. Infill is generally considered as development that is sited on vacant or undeveloped land, within an existing community or built-out area, which is enclosed by existing development. Given the proposed development and surrounding context the proposed development is not considered infill.

### **The Official Plan**

This application has been reviewed under the consolidated Official Plan (2003) with regard for the Council-approved amendment contained within OPA150.

Staff have reviewed this proposal and have determined that the proposed Official Plan amendment and Zoning By-law amendment do not comply with the Ottawa Airport Operating Influence Zone policies of the Official Plan.

Schedule K of the Official Plan identifies the site as being within the Ottawa Airport Operating Influence Zone. The boundary of the Ottawa Airport Operating Influence Zone is based on the most restrictive of either the 30 NEF and NEP contours (the 30

NEF and NEP noise composite line). Within this area, residential and noise-sensitive development is not permitted.

Section 4.8.6 Land-Use Constraints Due to Airport and Aircraft Operations, in the Official Plan states that the Ottawa Macdonald-Cartier International Airport (OMCIA) contributes considerably to the economic well-being of the National Capital Region by providing a full-service, commercial aviation passenger terminal and airfield system for the benefit of area residents and local businesses alike. It is therefore paramount that the economic viability of the Ottawa's international airport be protected from incompatible development.

Protection of airport from incompatible land uses and activities is achieved in part by prohibiting new residential development and other noise-sensitive uses above the 30 NEF/ NEP contours.

The Official Plan identifies noise-sensitive land uses as housing, institutional uses and public facilities. Specific examples include, but are not limited to, places of worship, schools, day care facilities and community centres.

The proposed Official Plan and Zoning By-law amendments to add noise-sensitive land uses on a site that is located above 30 NEF/NEP therefore does not comply with the policies of Section 4.8.6 of the Official Plan.

The City is currently undertaking a comprehensive review and update of Section 4.8.6 Land-Use Constraints Due to Airport and Aircraft Operations of the Official Plan. The review and update of Section 4.8.6 is not anticipated to impact the issues related to these applications.

The proposed development does not contravene the policies of the Employment Area designation which contemplates institutional uses. The proposed development is not incompatible with existing and future employment uses and would not impact the employment areas ability to achieve the employment targets; however because the proposed amendments do not comply with the Ottawa Airport Operating Influence Zone policies or the PPS, staff must recommend refusal.

### **Provincial Policy Statement**

Staff have reviewed this proposal and have determined that it is not consistent with the Provincial Policy Statement, 2014.

## **RURAL IMPLICATIONS**

There are no rural implications associated with this report.

## **COMMENTS BY THE WARD COUNCILLOR**

Councillor Qaqish is aware of the application related to this report.

## **LEGAL IMPLICATIONS**

Should the applications be refused and the item appealed to the Ontario Municipal Board, it is anticipated that a three to four day hearing would result. It is anticipated that the matter could be conducted within staff resources together with the assistance of the Ottawa Macdonald-Cartier International Airport Authority. Should Council determine to adopt the official plan amendment and zoning by-law and these matters be appealed to the Board, it will be necessary to retain an external planner as well as possibly a noise consultant.

## **RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications associated with the recommendation in this report.

## **FINANCIAL IMPLICATIONS**

There are no direct financial implications associated with the Recommendations. Should Council determine to adopt the amendments, it would be necessary to retain external resources to defend Council's position. Funds are not available within existing resources and the expense would impact Planning, Infrastructure and Economic Development's operating status.

## **ACCESSIBILITY IMPACTS**

The proposed building associated with the Official Plan and Zoning By-law amendments would be required to meet the accessibility criteria contained within the Ontario Building Code.

## **TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priority:

Governance, Planning and Decision Making



## **APPLICATION PROCESS TIMELINE STATUS**

The application was not processed by the On Time Decision Date established for the processing of Official Plan and Zoning By-law amendments due to the complexity of issues associated with the Ottawa Airport Operating Influence Zone policies and various guidelines.

## **SUPPORTING DOCUMENTATION**

Document 1 Location Map

Document 2 Consultation Details

Document 3 Site Plan

Document 4 Renderings and Elevations

## **CONCLUSION**

The Planning, Infrastructure and Economic Development Department recommends refusal of the proposed Official Plan and Zoning By-law amendments. The proposed addition of noise-sensitive uses within the 'Ottawa Airport Operating Influence Zone' does not comply with the policies of the Official Plan and is not consistent with the Provincial Policy Statement (PPS).

## **DISPOSITION**

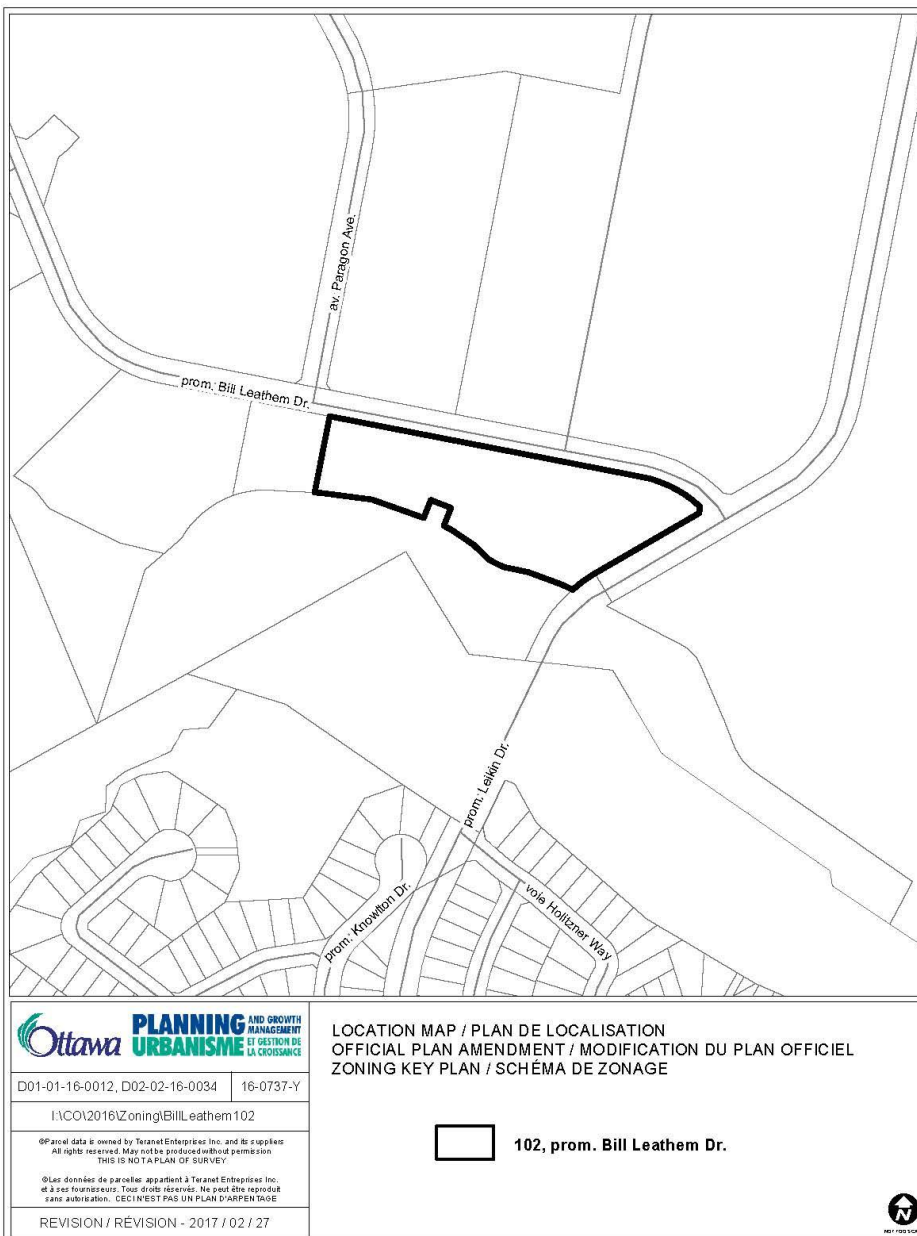
Office of the City Clerk and Solicitor, Legislative Services to notify the owner; applicant; Krista O'Brien, Deputy City Treasurer Revenue Branch, Corporate Services (Mail Code: 26-76) of City Council's decision.

Circulation Services Unit, Planning Services to undertake the statutory notification.

**Document 1 – Location Map**

For an interactive Zoning map of Ottawa visit [geoOttawa](http://geoOttawa)

This is a location plan identifying the land subject to the proposed Zoning By-law and Official Plan amendments, which is located at the southwest corner of Bill Leatham Drive and Leikin Drive in South Merivale Business Park which is situated on the north-eastern edge of the community of Barrhaven.



## **Document 2 – Consultation Details**

### Notification and Consultation Process

Notification and public consultation was undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments.

### **Public Comments and Responses**

#### Comment:

Concerned that allowing the development of a place of worship on this site will remove a portion of lands specifically identified as employment lands.

#### Response:

The 'Employment and Enterprise Areas' designation permits a wide range of uses warehousing and distribution, manufacturing, communications, storage, construction, office, institutional, and research and development uses. The place of worship and community centre uses would be considered as institutional uses which are contemplated in this designation.

The Council approved OPA 180 which modifies the policies of the 'Employment and Enterprise Areas' indicated that institutional uses were previously permitted in the 'Employment and Enterprise Areas' designation and were interpreted to include sensitive uses such as a place of worship or school. OPA 180 provides clarification on the intended uses to be permitted in this designation.

The policies of OPA 180 allow for the consideration of low density institutional uses such as community centres, daycares and places of worship be reviewed through a Zoning By-law amendment to assess the ability to achieve and maintain job targets within the business park and the compatibility with existing and potential permitted uses within the Employment Area.

The proposed development will not impact the ability to achieve and maintain job targets within the business park.

#### Comment:

The facility will not provide jobs to nearby residents as intended by the Employment Lands designation. Concerned that if approved other parcels of land within the South

Merivale Business Park will be permitted to develop for non-employment uses. The South Merivale Business Park is the only area in eastern Barrhaven for potential employment growth.

Response:

The policies listed in the response above indicate that various low density institutional uses such as community centres, daycares and places of worship can be considered within the Employment Area designations if it can be demonstrated that the remainder of the Urban Employment Area will still have the ability to achieve job targets within the business park. Given the existing job numbers and remaining vacant land within the park, the development of a low density institutional use at the subject site is not expected to impact the ability of the park to achieve job targets. Any application to introduce further low density institutional uses will require a Zoning By-law amendment and each must demonstrate that it will not impact the ability of the park to achieve job targets.

Comment:

Opposed to the Official Plan amendment to allow an infringing use in the Ottawa Airport Operating Influence Zone. A number of residents in nearby neighborhoods were prevented from developing vacant properties in the Ottawa Airport Operating Influence Zone. It is unfair to these previously rejected applicants to approve this application.

Response:

Even though the proposed amendments can be considered consistent with the Employment Area policies they do not comply with the Ottawa Airport Operating Influence Zone policies which do not permit sensitive land uses, including places of worship and community centres in areas near airports above 30 NEF/NEP. Based on the Ottawa Airport Operating Influence Zone policies staff is recommending refusal of the applications.

**Ottawa International Airport Authority comments (see attached letter from Ottawa International Airport Authority for further detail on comments provided):**

The Ottawa International Airport Authority provided detailed comments letters in opposition of the proposed Official Plan amendments.

The comments provided by Ottawa International Airport Authority can be summarized as follows:

Ottawa International Airport Authority objects to the introduction of noise-sensitive uses within the Ottawa Airport Operating Influence Zone.

The Ottawa Airport Operating Influence Zone exists to protect the economic upside of the airport as well as protect noise sensitive uses from the adverse impacts of unacceptable noise levels.

In the Authority's opinion, permitting an exception to the established policies provided in the PPS, Ministry of Environment Environmental Noise Guidelines, and the City's Official Plan would be detrimental to the economic contribution of the Ottawa International Airport should noise or other airport-related issues impacting this proposed development (and others like it due to precedent) lead to operational sanctions.

That the proposed use is not appropriate within the Employment Area designation since the proposed uses (place of worship, community centre, and place of assembly) are not industrial or employment generating uses. The proposed uses are not compatible with the permitted industrial uses for the property in the Zoning By-law.

Response:

The Planning, Infrastructure and Economic Development department recommends refusal of the proposed Official Plan and Zoning By-law amendments. The proposed addition of noise-sensitive uses within the 'Ottawa Airport Operating Influence Zone' does not comply with the policies of the Official Plan and is not consistent with the Provincial Policy Statement (PPS).



January 24, 2017

Mr. Mike Schmidt  
Planning and Growth Management Department  
City of Ottawa  
110 Laurier Ave West, 4th Floor  
Ottawa, ON, K1P 1J1

Via email: Mike.Schmidt@ottawa.ca

RE: Official Plan Amendment, Zoning Bylaw Amendment and Site Plan Control Applications –  
102 Bill Leathem Drive

Your File # D01-01-16-0012, D02-02-16-0034, D07-12-16-0061

Dear Mr. Schmidt:

Thank you for notifying the Ottawa Macdonald-Cartier International Airport Authority (Authority) of the proposed Official Plan amendment, Zoning Bylaw amendment, and Site Plan Control application with respect to the property at 102 Bill Leathem Drive. The initial applications submitted in May 2016 proposed to permit the development of a multi-purpose facility containing noise sensitive land uses such as a place of worship, place of assembly, community centre, day care centre, and shelter within the Airport Operating Influence Zone (AOIZ). The applications were revised in October 2016 to exclude the following uses: daycare, rooming unit, rooming house, retirement home, residential day care facility, and shelter. The proponent now proposes to construct a community centre, place of worship, and a place of assembly.

In July 2016, the Authority submitted a formal letter to you recommending refusal of the proposed applications. We have since reviewed the revisions submitted by the proponent dated October 14, 2016 and the Authority is of the opinion that the proposed development remains a noise sensitive use prohibited within the AOIZ. Our position is consistent with the Provincial Policy Statement, the Ministry of Environment's Environmental Noise Guidelines Stationary & Transportation Sources (NPC-300), as well as the City's Official Plan policies.

The Authority recommends that the City of Ottawa refuse the proposed applications based upon: 1.) The Ministry of Environment directive and the applicable planning policies; 2.) Safeguarding the public's economic interest by protecting the long term operation of the airport, and; 3.) Preventing any adverse effects of aircraft noise on public health and safety.

**A Shared Vision for Ottawa's Economic Development – City of Ottawa and the Ottawa Macdonald-Cartier International Airport Authority**

In 2012, the City of Ottawa and the Authority developed a shared vision document detailing a common view and objectives for working together to maximize economic prosperity. The principles of the document are based on the airport being recognized as a significant economic generator to Ottawa and the National Capital Region by contributing over \$4 billion gross direct, indirect, and induced annual economic output while employing approximately 6,000 people directly and an additional 6,000 indirectly resulting from the airport's successful operation.

In the context of the document, the shared vision states that the role of the City's Planning and Growth Management Department and Transit Services is to ensure that our codependent output is beneficial, achievable, and in line with policies and programs.

#### **Proximity of the Property to the Airport**

The subject property is located in the Barrhaven community and the land is currently undeveloped. The area is governed by the Airport Zoning Regulation (AZR) in the outer surface and is located below the take off and approach paths of runway 07-25, approximately 2,500 metres away from airport land and 3,500 metres from the runway's thresholds. In 2016 there were 55,953 aircraft movements on runway 07-25. This represents slightly over 62% of all aircraft takeoffs and landing from YOW's two primary runways.

#### **Ministry of Environment Environmental Noise Guidelines – Stationery and Transportation Sources (NPC-300)**

A definition of noise sensitive land uses is provided in the Official Plan, the City's Environmental Noise Control Guidelines, and the Ontario Ministry of the Environment's Environmental Noise Guidelines Stationary & Transportation Sources (NPC-300). NPC-300 considers a noise sensitive land use to mean "a property of a person that accommodates a building used for a noise sensitive institutional or commercial purpose." A noise sensitive institutional purpose building means "a building used for an institutional purpose, including an educational facility, a day nursery, a hospital, a health care facility, a shelter for emergency housing, a community centre, a place of worship and a detention centre. A place of worship located on commercially or industrially zoned lands is not considered a noise sensitive institutional purpose building."

City staff recently consulted with Ministry of Environment (MOE) staff to seek clarification of the place of worship exemption where the use is located in proximity to an airport. MOE staff confirmed the following on January 11, 2017: "we are agreed that the house-of-worship exemption was intended to address an increasingly common conflict with industries, and that there was no intention of applying the exemption to the matter of airplane noise."

Since the proposed development is to contain institutional uses such as a place of worship, the definition provided by NPC-300 indicates that this is a noise sensitive land use and is not permitted under the MOE Guidelines.

#### **Provincial Policy Statement (PPS)**

The 2014 PPS under section 3 of The Planning Act requires that decisions affecting planning matters "shall be consistent" with policy statements issued under the Act. Section 1.6.9 requires that planning for land use in the vicinity of airports shall be undertaken in order to protect their long-term operation and economic role and to ensure that airports and sensitive lands uses are appropriately designated and separated from each other. Policies in section 1.6.9.2 of the PPS achieve the protection of both the viability of airports as well as public health and safety by requiring:

- Policy a: A prohibition on new sensitive land uses in areas near airports above 30 NEF/NEP.



#### **City of Ottawa Official Plan**

The City's Official Plan meets the requirements of the PPS by defining an area known as the Airport Operating Influence Zone (AOIZ) which is based on the most restrictive of either the 30 NEF and NEP contours. The boundary delineating the AOIZ is illustrated on both Schedule K and Annex 10 to the Official Plan and described in section 4.8.6 that implement the goals and intent of the PPS.

Section 4.8.6 i. states that within the AOIZ residential and noise sensitive development is not permitted. Noise sensitive land uses are considered to be housing, institutional uses, and public facilities. Specific examples of noise sensitive uses include places of worship.

The property is designated as Employment Area in the Official Plan. In Employment Areas the Zoning Bylaw permits a variety of industrial and employment generating uses. The proposed uses (place of worship, community centre, and place of assembly) are not industrial or employment generating uses. Recent amendments to the employment lands policies in Official Plan require that a site specific amendment to the Zoning Bylaw may be considered which permits low density institutional uses such as community centres, daycares, and places of worship only if the proposed use is compatible with existing and permitted uses as specified in the Zoning Bylaw. In the Authority's opinion the proposed uses are not compatible with the permitted industrial uses for the property in the Zoning Bylaw.

#### **Conclusion**

The AOIZ exists to protect the economic upside of the airport as well as protect noise sensitive uses from the adverse impacts of unacceptable noise levels. As noted, the subject property is approximately 2,500 metres from the airport and in 2016 there were 55,953 aircraft movements on runway 07-25, with increased activity forecasted in the future. In the Authority's opinion, permitting an exception to the established policies provided in the PPS, Ministry of Environment Environmental Noise Guidelines, and the City's Official Plan would be detrimental to the economic contribution of the Ottawa International Airport should noise or other airport-related issues impacting this proposed development (and others like it due to precedent) lead to operational sanctions. In our opinion the planning rationale is sound and the public interest is best served by enforcing the current regulations.

For these reasons the Authority recommends that the City refuse the applications to amend the Official Plan, Zoning Bylaw, and site plan control applications.

If you have questions please do not hesitate to contact me.

Sincerely,



Joel Tkach  
Vice President, Business Development and Marketing  
joel.tkach@yow.ca Direct: 613-248-2088

Cc: Lisa Dwyer, Ottawa Macdonald-Cartier International Airport Authority  
Krista Kealey, Ottawa Macdonald-Cartier International Airport Authority  
Jim McIninch, Bell Baker  
Nancy Meloshe, Stantec







Document 4 – Renderings and Elevations

